

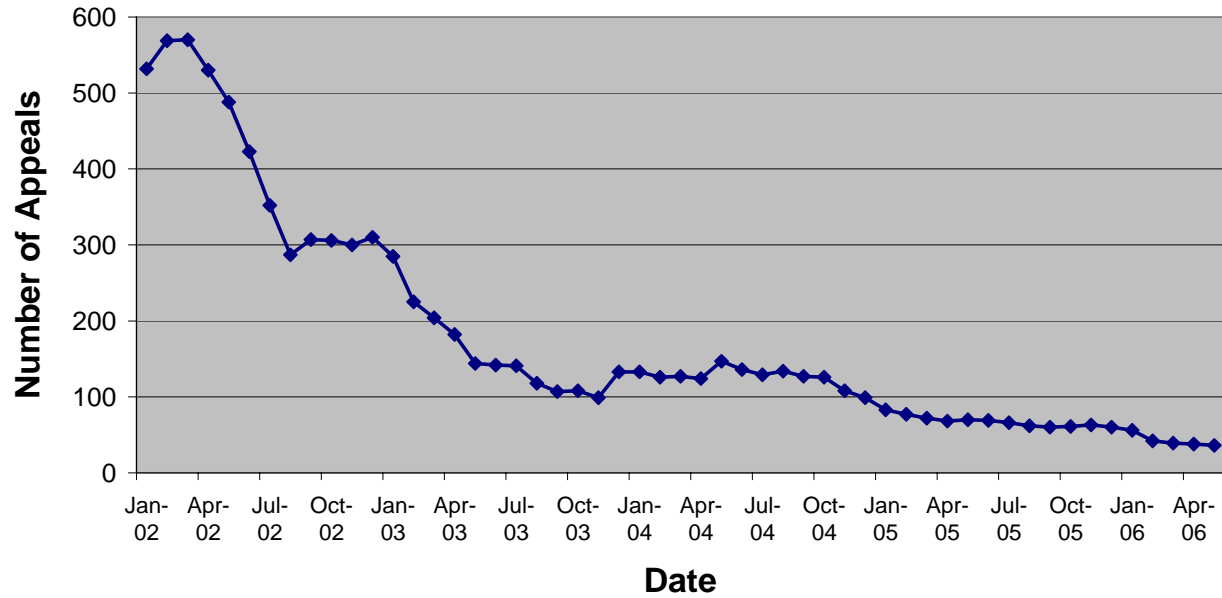
CORRESPONDENCE/MEMORANDUMState of Wisconsin
Department of Commerce**DATE:** June 5, 2006**TO:** David Storey, Berni Mattsson, Oscar Herrera, Joseph Thomas, Laura Varriale,
Dennis Legler, Eric Scott, Louie Cornelius, Landon Williams**FROM:** Laura Pleasants**SUBJECT:** *Monthly Report of PECFA Appeals for May 2006***Executive Summary**

Five (5) dismissals were issued in May and three (3) new appeals were received.

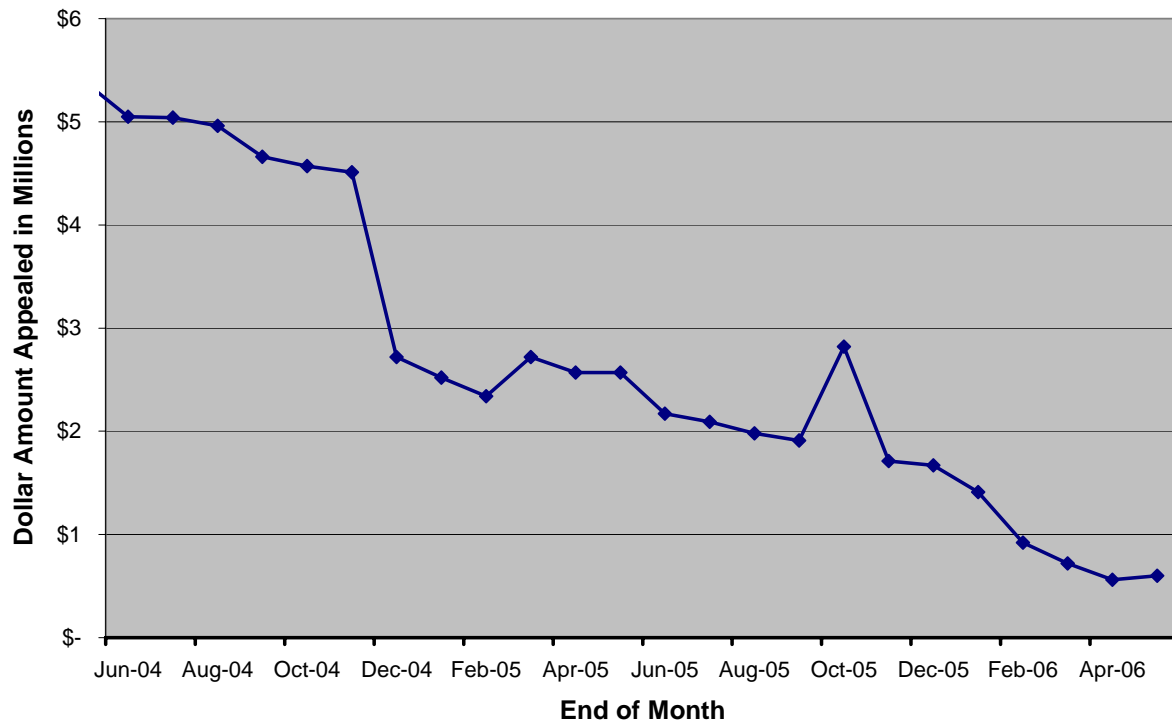
The total amount on appeal at the end of May was \$603,651.63.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
New Appeals received during Month	6	1	5	6	3							
Total Closures during Month	9	15	8	7	5							
Mean Days Receipt to Close	277	283	553	469	416							
Pending End of Month	56	42	39	38	36							
Change from Prior Month	(3)	(14)	(3)	(1)	(2)							
Hearings												
Hearings Held in Month	0	0	0	1	1							
Mean Days Receipt to Hearing	n/a	n/a	n/a	313	664							
Scheduled in Future Periods	2	7	6	7	6							
Mean Days Receipt to Scheduled	1156	597	569	556	538							
Final Decisions Issued after Hearing	0	0	0	0	1							
Settlements												
Settled	7	12	8	7	3							
Mean Days Receipt to Dismissed/Settled	336	179	553	469	51							
Withdrawals												
Withdrawn	1	2	0	0	0							
Mean Days Receipt to Withdrawal	39	466	n/a	n/a	n/a							
Dismissed On Motion	1	1	0	0	1							
Dismissed-UT, Failure to Pros, No Standing	1	1	0	0	1							
Mean Days Receipt to Dismissal	103	1166	n/a	n/a	37							
Decisions Rendered by ALJ or Secretary	0	0	0	1	1							
Mean Days Receipt to Decision	n/a	n/a	n/a	313	1889							
Decisions Rendered by Circuit Court	0	0	0	0	0							
Decisions Rendered by Court of Appeals	0	0	0	0	0							
Mean Days Receipt to Decision	n/a	n/a	n/a	n/a	n/a							
Awaiting Decision	2	2	2	3								
Awaiting <u>Proposed</u> Decision	2	2	2	2	3							
Mean Days since Hearing	67	95	126	72	75							
Awaiting <u>Final</u> Decision by Secretary	0	0	0	1	0							
Mean Days since Proposed Decision	n/a	n/a	n/a	16	n/a							
Awaiting <u>Final</u> Decision by ALJ	0	0	0	0	0							
Mean Days since Hearing	n/a	n/a	n/a	n/a	n/a							
Awaiting Decision by Court of Appeals	0	0	0	0	0							

Appeals Pending Since January 2002



Dollar Amount of Pending Appeals



New Appeals Received in May 2006

In May the department received 3 new appeals in the sum amount of \$64,696.88. There were 36 appeals pending at the end of the month.

Monthly Report - new appeals						
Appellant	Expr10	UCID	Issue(s)	Amount	RecDate	DecDate
James Draeger	54547-9999-67	06-21	ineligible system	\$62,772.78	5/26/2006	5/1/2006
Kelly Johnson	54521-8800-63	06-20	not bid	\$999.00	5/22/2006	4/25/2006
Ron Thorstad	53713-1299-02	06-19	interest	\$925.10	5/5/2006	4/25/2006

Appeals Closed in May 2006

The following 5 appeals were closed in May. Four (80%) were closed in 90 days or less. The average number of days from receipt of the appeal to decision was 416 days for all appeals closed in the month of May. The total amount appealed in the closed cases was \$24,354.79. The total amount paid was \$4,890.42 (net of interest) or approximately 20% of the total appealed.

Monthly Report - closed appeals							
Appellant	Hrg #	Issue(s)	Appeal Amt	Days2Dec	AmountPaid	Decision	FinalDec
Herman Berndt	06-14	deductible	\$2,460.00	37	\$0.00	dismissed	5/19/2006
Floyd Hunter	01-92	no invoices/supp docs; incompetent work; consult overhead	\$17,000.00	1889	\$0.00	decided	5/4/2006
Kelly Johnson	06-18	no docs/affidavit	\$4,522.25	38	\$4,522.25	settled	5/29/2006
Gerald Princ, PR	06-11	over cap	\$155.12	75	\$150.75	settled	5/22/2006
Robert E. Walters	06-17	over cap	\$217.42	40	\$217.42	settled	5/29/2006

Appeals Set for Hearing

There are currently six (6) appeals scheduled for hearing in the upcoming months.

Monthly Report - hearings scheduled future						
Appellant	DeptRep	HrgDate	PECFAID	Hrg#	Days2Hrg	Issue(s)
Mark Nonweiler	LV	6/6/2006	54901141421	04-80	804	exceeded methodology, paid prior claim
John Dougherty	LV	6/20/2006	54154112223	04-237	575	not bid, low bid, over cap, overhead
John Dougherty	LV	6/20/2006	54154153312	04-236	575	not bid, low bid, over cap, overhead
John Gerth	LV	7/12/2006	53590283337	05-27	415	tank removal, not bid, interest
John Gerth	LV	7/12/2006	53711273702	05-26	415	not bid, no docs, interest
Eileen Weller	LV	8/2/2006	54499917705	05-22	446	interest

Appeals Heard but not Decided

There are three (3) cases awaiting proposed decision by the ALJ.

Monthly Report - awaiting proposed decision					
Appellant	Commerce #	Hrg #	RecDate	HrgDate	Since Hearing
Daniel Ludwig	53549-2034-21	05-28	6/16/2005	4/25/2006	36
Joseph Ritchie	54548-9319-83	05-47	7/29/2005	12/13/2005	169
Paul Gyuro	53132-9523-31	04-180	7/15/2004	5/10/2006	21

Note: The administrative law judge is delegated final decision-making authority for expedited appeals and appeals in which no hearing is held because the appeal is moot, untimely or the appellant has defaulted.

Proposed Decisions Issued

There are no proposed decisions currently awaiting final decision by the Secretary's Office.

Final Decisions Issued

There was one (1) final decision issued in May.

Monthly Report - final decs after hearing					
Expr1	Hrg #	Issue(s)	FinalDecDate	On_Appeal	ALJID
Floyd Hunter	01-92	no invoices/supp docs; incompetent work; consult o/h	5/4/2006	1889	WICKS

Final Decisions Issued after Judicial Review

There were no decisions issued by the Circuit Court following review of a Final Decision.

Final Hearing Decisions on Appeal in Circuit Court

The are no final decisions awaiting review in Circuit Court.

Final Decision Issued by the Court of Appeals

There are no appeals awaiting decisions in the court of appeals.